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Attorney Docket No. 14419US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ronald L. Mahany

Serial No. 10/057,816

Filed: January 24, 2002

For: Remote Radio Data Communication
System With Data Rate Switching

Examiner: Not yet assigned

Group Art Unit: 2681

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2003.

Ronald H. Spuhler

Ronald H. Spuhler
Reg. No. 52,245

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**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT AFTER APPLICATION FILING DATE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following:

- * A completed PTO form 1449 (modified) which has three (3) pages.
- * A copy of each printed or patented reference listed in the enclosed form 1449 and not previously provided to or by the PTO in this application. Fifty two (52) references are enclosed.

FEE DETERMINATION

- * No fee is believed to be due because:
 - * The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

FEE PAYMENT

The following arrangements have been made to pay the fees calculated above:

- * No fee is believed to be due.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

REQUEST FOR CONSIDERATION

This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

All references submitted herewith were cited by Agere Systems, Inc. in connection with discovery in Agere Systems, Inc. v. Broadcom Corp., which is Civil Action No. 03-3138 in the Eastern District of Pennsylvania.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

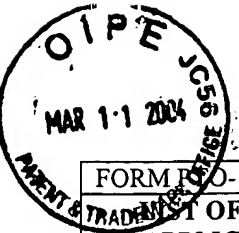
The Examiner is requested to initial both copies of the enclosed PTO-1449 (modified) and return one copy to the applicants to indicate consideration of the enclosed references.

Date: March 9, 2003

Respectfully submitted,

Ronald H. Spuhler
Ronald H. Spuhler
Reg. No. 52,245

McAndrews, Held & Malloy
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
(312) 775-8000



FORM PTO-1449	SERIAL NO.: 10/057,816	CASE NO.: 1772/14419US01
STATEMENT OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 01/24/02	GROUP ART UNIT: 2681
(use several sheets if necessary)	APPLICANTS: Mahaney	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,449,248				
	A9	4,794,649				
	A10	4,804,954				
	A17	4,964,121				
	A19	4,977,611				
	A20	4,995,099				
	A22	5,025,486				
	A23	5,029,183				
	A24	5,031,231				
	A26	5,055,659				
	A28	5,081,402				
	A29	5,087,099				
	A31	5,119,502				

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FOREIGN PATENT DOCUMENTS

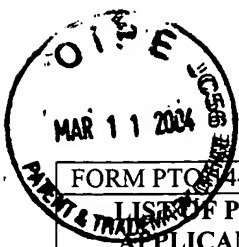
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C2	Biba, <i>A Hybrid Wireless MAC Protocol Supporting Asynchronous and Synchronous MSDU Delivery Services</i> , IEEE P802.11/91-92
	C4	Cheah, <i>A Proposed Architecture and Access Protocol Outline for the IEEE 802.11 Radio LAN Standards, Part II</i> , Document IEEE P802.11/91-54
	C5	Cox, <i>A Radio System Proposal for Widespread Low-Power Tetherless Communications</i> , IEEE Transactions on Communications, Vol. 39, No. 2 (February 1991)
	C6	Natarajan et al., <i>Battery Efficient Operation of Radio MAC Protocol</i> , Document IEEE P802.11/91-102
	C7	Rypinski, <i>Power-Drain Considerations for Full Time and Sleep Mode Radio Receivers</i> , Document IEEE P802.11/91-99
	C8	Robert Meier's Masters Thesis, <i>Mobile Computer Network Architecture</i> (May 1993)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO 449	SERIAL NO.: 10/057,816	CASE NO.: 1772/14419US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 01/24/02	GROUP ART UNIT: 2681
(use several sheets if necessary)	APPLICANTS: Mahaney	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A32	5,121,408				
	A33	5,123,029				
	A34	5,128,938				
	A35	5,134,347				
	A37	5,150,361				
	A38	5,152,006				
	A41	5,175,870				
	A44	5,230,084				
	A46	5,241,542				
	A47	5,241,691				
	A51	5,265,270				
	A52	5,274,666				
	A53	5,276,680				
	A54	5,278,831				
	A57	5,293,639				
	A58	5,296,849				

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C14	Digital European Cordless Telecommunications Reference Document (March 1991)
	C18	Haine, A New Radio Access Protocol and Network Architecture for Mobile Packet Data, 41 st IEEE Ventricular Technology Conference
	C19	Owen, The DECT Radio Interface, Colloquium on CT2/CA1 AND DECT CORDLESS TELECOMMUNICATIONS (1990)
	C22	Tuttlebee, Cordless Telecommunications in Europe (1990)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO 1549	SERIAL NO.: 10/057,816	CASE NO.: 1772/14419US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 01/24/02	GROUP ART UNIT: 2681
(use several sheets if necessary)	APPLICANTS: Mahaney	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A59	5,297,144				
	A63	5,361,397				
	A66	5,373,506				
	A67	5,390,206				
	A68	5,392,023				
	A76	5,440,560				
	A77	5,465,081				
	A84	5,584,048				
	A93	5,089,813				
	A96	5,239,466				
	A101	5,375,254				
	A102	5,377,192				
	A104	5,461,627				

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	TRANSLATION NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



2681

PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/057,816
	Filing Date	01/24/02
	First Named Inventor	Mahaney
	Group Art Unit	2681
	Examiner Name	Not yet assigned
	Attorney Docket Number	1772/14419US01

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO 1449 (3 pages) with copies of 42 cited patents and 10 cited articles <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Reply postcard
Remarks		RECEIVED MAR 12 2004 Technology Center 2600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Ronald H. Spuhler, Reg. No. 52,245 McAndrews Held & Malloy, Ltd.
Signature	<i>Ronald Spuhler</i>
Date	March 9, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2004

Name (Print/type)	Ronald H. Spuhler	Registration No. (Attorney/Agent)	52,245
Signature	<i>Ronald Spuhler</i>	Date	03/09/04